



Practitioner's Docket No. 3780.002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Dennis Klein et al.

Application No.: 10/760,336

Group No.: 1742

Filed: 01/20/2004

Examiner: H. D. Wilkins III

For: APPARATUS AND METHOD FOR THE CONVERSION OF WATER INTO A NEW GASEOUS AND COMBUSTIBLE FORM AND THE COMBUSTIBLE GAS FORMED THEREBY

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
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TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321(c))

Identification of Person(s) Making This Disclaimer

I, Dennis G. LaPointe, represent that I am the attorney of record.

EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is in a sectional interest in this invention.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

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Date: 3/8/05

  
Signature

Robin Dee Carter

(type or print name of person certifying)

\* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Claim 1-8 of present application 10/760,336 as they related to claim 1 of co-pending application 10/277,841.

### **DISCLAIMER**

#### **(Provisional Obviousness-Type Double Patenting Rejection Over A Pending Application)**

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of any patent granted on Application No. 10/277,841, filed on October 22, 2002, as shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the above-listed application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of any patent granted on the application forming the basis of the double patenting rejection, namely, any patent granted on Application No. 10/277,841, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

### **DISCLAIMER FEE (37 C.F.R. § 1.20(d))**

Small entity--fee \$65.00. Small entity statement already filed in patent application 10/760,336 on January 20, 2004.

### **FEE PAYMENT**

Authorization is hereby made to charge the amount of \$65.00 to Deposit Account No. 503368.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Date: 3/8/05

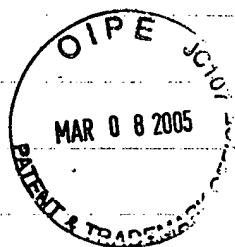
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Signature of Practitioner  
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## Exhibit A:

- (1) WIRED LIKE GONZOLAS + - AND NEUTRAL
- (2) PRODUCES DIFFERENT GAS - SEE LARGE CLUSTERS  
COMING OFF PLATES SEPARATELY.
- (3) GAS DOES NOT REACT THE SAME AS OURS - ENERGY OUTPUT.
- (4) NOTE PLATE SPACE - CLOSER LIKE GONZOLAS -
- (5) SAME ELECTROLYTE SOLUTION - 28% KOH



## Exhibit C

### OUR ELECTROLYZER

- (1) WIRED - + and - NO NEUTRAL
- (2) PRODUCES DIFFERENT GAS - SEE CLUSTERS ALL EVEN COMING  
OFF PLATES AS ONE GAS -
- (3) GAS DOES NOT REACT THE SAME - TO DIFFERENT SUBSTRATES  
LIKE EXHIBIT A UNIT
- (4) NOTE PLATE SPACE - DIFFERENCE - MAKES DIFFERENT GAS  
AS PER OUR PAT. APPLICATION
- (5) SAME ELECTROLYTE SOLUTION 28% KOH